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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/680,369

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Pavel V. Korchagin

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10/20/2006

NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402

EXAMINER

PICO, ERIC E

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/680,369	Applicant(s) KORCHAGIN ET AL.	
	Examiner Eric Pico	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,8-16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) 6, 7, and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/28/2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim(s) 1, 2, and 13 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Ho U.S. Patent No. 4828072.

4. **Regarding claim 1**, Ho discloses a vertically mobile corridor, referred to as a maintenance lift 71, for a face of a building comprising a plurality of rails, referred to as column 12, attached to the face of the building, a first elevator car, referred to as lift 70, on a first rail 12 and a second elevator 70 on a second rail on one face of the building, a corridor, referred to as catwalk Column 7, Line 11, extending between the first and

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second elevator cars 70 for riding up and down the face of the building when the elevator cars travel up and down the rails on the face of the building in unison Column 7 Lines 10-15, a rescue means, broadly interpreted as another lift 70, attached to the rail 12 for traveling up and down the face of the building, and a means for transferring people, broadly interpreted as the surface of the corridor and safety means, from the corridor to the rescue means 70.

5. **Regarding claim 2**, Ho further discloses each elevator 70 having a cog wheel 54, 86, and 89 driven by an electric motor 81 for engaging a toothed portion 21 of the rail 12 for raising and lowering the elevator 70.

6. **Regarding claim 13**, Ho further discloses a method for accessing the face of a building. The method disclosed by Ho includes attaching a plurality of spaced rails 12 to the face of a building (Column 3, Lines 13-18). Attaching an elevator car 70 to each of two rails 12 (Column 5, Lines 55-62) on one face of the building. Attaching a corridor 71 between the elevators 70 (Column 7, Lines 10-12). Running the elevator cars 70 on the rails 12 up and down the face of the building in unison (Column 7, Lines 12-15) to lift and lower the corridor 71 to the desired position to gain access to the surface of the building. Attaching a rescue means, broadly interpreted as another lift 70, to at least one rail 12 for traveling up and down the face of the building, and using a means for transferring people from the corridor to the rescue means such that people can be transported from the corridor to the ground.

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim(s) 9, 10, and 12 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho U.S. Patent No. 4828072 in view of Nemeth U.S. Patent No. 1115093.

9. **Regarding claim 9**, Ho is silent concerning a fireproof insulated wall on an enclosed corridor.

10. Nemeth teaches a fireproof insulated wall, using asbestos a Lines 63-72, on an enclosed corridor facing the building to protect the inside of the corridors.

11. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the corridor disclosed by Ho with fireproof insulated walls disclosed to protect individuals on the corridor from fire.

12. **Regarding claim 10**, Ho is silent concerning a fireproof insulated floor and roof on the enclosed corridor.

13. Nemeth teaches a fireproof insulated roof, using asbestos a Lines 63-72, on an enclosed corridor C to protect the inside of the enclosed corridor.

14. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the corridor floor disclosed with fireproof insulation taught Nemeth and provide the corridor disclosed by Ho with a fireproof insulated roof taught by Nemeth to protect individuals on the corridor from fire.

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15. **Regarding claim 12**, Ho is silent concerning doors on the enclosed corridor.

16. Nemeth teaches doors, referred to as openings O, on an enclosed corridor C to provide access from the enclosed corridor C to the building B.

17. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the corridor disclosed by Ho with doors on an enclosed corridor to facilitate access from the building to the enclosed corridor.

18. Claim(s) 3 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho U.S. Patent No. 4828072 in view of Nemeth U.S. Patent No. 1115093 and Bates U.S. Patent No. 642779.

19. **Regarding claim 3**, Ho is silent concerning an enclosed corridor pivotally connected to each elevator car.

20. Nemeth teaches an enclosed corridor, referred to as cage or car C.

21. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the corridor disclosed by Ho with an enclosure taught by Nemeth to protect passengers on the corridor from fire and falling debris.

22. Bates teaches a vertically mobile corridor 15 for the face of a building having corridor 15 pivotally connected 16 to each elevator car 14.

23. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a pivotal connection taught by Bates to the elevator car and the corridor disclosed by Bates to facilitate the connection between the elevator car and the corridor.

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24. Claim(s) 5, 11, and 18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho U.S. Patent No. 4828072 in view of Karanouh U.S. Patent No. 6443262.

25. **Regarding claim 5**, Ho is silent concerning a scaffold on top of the corridor.

26. Karanouh teaches a scaffold on top of a corridor shown in Figure 1.

27. It would have been obvious to one of the ordinary skill in the art at the time of the invention to include a scaffold as taught by Karanouh to the top of the corridor disclosed by Ho to reach high areas above a corridor.

28. **Regarding claim 11**, Ho is silent concerning a truss for supporting a platform.

29. Karanouh further teaches a truss 110 for supporting a platform 115.

30. It would also have been obvious to one of the ordinary skill in the art at the time of the invention to include trusses as taught by Karanouh to the platform of Ho to maintain the platforms rigid structure while supporting many individuals.

31. **Regarding claim 18**, Ho is silent concerning a method accessing the face of a building comprising the step of incorporating a scaffold on a corridor.

32. Karanouh further teaches incorporating a scaffold on a corridor.

33. It would have been obvious to one of the ordinary skill in the art to include the step of incorporating a scaffold on a corridor because these steps would result from the use of the device of Ho in view Nemeth and Karanouh in its normal and expected fashion.

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34. Claim(s) 8, 14, 15, 16, and 19 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho U.S. Patent No. 4828072 in view of Korchagin et al. U.S.

Publication No. 2004/0262086.

35. **Regarding claim 8**, Ho is silent concerning a rescue means having an elevator with a crane running on at least one of the rails.

36. Korchagin et al. teaches a rescue means comprising an elevator 3 with a crane running on rails 17.

37. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rails disclosed by Ho with an elevator with a crane taught by Korchagin et al. to facilitate exiting the building.

38. **Regarding claim 14**, Ho is silent concerning a method accessing the face of a building comprising the step of attaching a rescue elevator car to at least one of the rails.

39. Korchagin et al. teaches having a rescue elevator car 3, 58 running on rails 17.

40. It would have been obvious to one of the ordinary skill in the art to include the step of attaching a second elevator car to at least one of the rails because these steps would result from the use of the device of Ho in view Nemeth and Korchagin et al. in its normal and expected fashion.

41. **Regarding claim 15 and 19**, Ho is silent concerning a method accessing the face of a building comprising the step of attaching a rescue elevator having a crane to at least one of the rails.

42. Korchagin et al. teaches an elevator 3 with a crane running on rails 17.

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43. It would have been obvious to one of the ordinary skill in the art to include the step of attaching a rescue elevator car to at least one of the rails because these steps would result from the use of the device of Ho in view Nemeth and Korchagin et al. in its normal and expected fashion.

44. **Regarding claim 16**, Ho is silent concerning a method accessing the face of a building comprising the step of attaching a pod to a crane.

45. Korchagin et al. teaches a pod, referred to as cabin 5, attached to a crane.

46. It would have been obvious to one of the ordinary skill in the art to include the step of attaching pod to a crane because these steps would result from the use of the device of Ho in view Nemeth and Korchagin et al. in its normal and expected fashion.

Allowable Subject Matter

47. Claim 6, 7, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

48. Applicant's arguments filed 08/28/2006 have been fully considered but they are not persuasive.

49. In response to applicant's argument that "Ho does not have a rescue means to connect with the platform and remove people therefrom" Ho discloses lifts 70 to connect with a platform and remove people therefrom.

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50. In response to applicant's argument "the same assignees are on both the present application and the publication therefore according to the examiner the reference can not be used against the claims" in order to be disqualified as prior art under 35 U.S.C. 103(c), the subject matter which would otherwise be prior art to the claimed invention and the claimed invention must be commonly owned. The mere recitation that "the same assignees are on both the present application and the publication" does not establish common ownership. A statement stating the application and the patent at the time of the invention of the application was made is sufficient evidence needed to establish common ownership. See MPEP § 706.02(I)(2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

**KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**